

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE
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September 30, 2005

Section 5 Submission

Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20006

Re: Submission Under Section 5 of the Voting Rights Act for:

New Hampshire Revised Statute Annotated ("RSA") 655:17-c, a STATUTE related to the declaration of intent by a Political Organization, established by Laws of 2001 Chapter 142.

Dear Voting Section Chief:

Pursuant to 42 U.S.C. § 1973(c), the State of New Hampshire, through the Office of the New Hampshire Attorney General, hereby submits 655:17-c, a STATUTE related to the declaration of intent by a Political Organization, established by Laws of 2001 Chapter 142.

SUBMISSION:

In accordance with 28 C.F.R. § 51.27, the submission is as follows:

- a) Chapter 142 (2001) enacting RSA 655:17-c is attached (Exhibit 655:17-c A).
- b) Chapter 142 (2001) enacting RSA 655:17-c is a new section of law, therefore there is no prior law that is being changed.
- c) The enactment of RSA 655:17-c established a declaration of intent form to be completed by Political Organizations who intend to gain ballot access for the organizations slate of candidates through petition.

- d) This submission is made by: Senior Assistant Attorney General Orville B. Fitch II, 33 Capitol Street, Concord, New Hampshire 03301, Phone: (603) 271-1238.
- e) The submitting authority is New Hampshire Attorney General, Kelly A. Ayotte for the State of New Hampshire.
- f) Not applicable.
- g) The changes for which pre-clearance is sought were made by a decision of the New Hampshire General Court (Legislature).
- h) In accordance with Amendment X of the U.S. Constitution, the New Hampshire General Court, the State's legislature, acting pursuant to the New Hampshire Constitution Part Second, Article 2, granting supreme legislative power within the state to the House and Senate, who with right to negate each other are granted power to make law through Part Second, Article 5. Additional authority regarding election law is vested in Part First, Article 11.

The legislature through a bicameral process passed law to create Chapter 142 (Exhibit 655:17-c A). The bill became law on August 28, 2001.

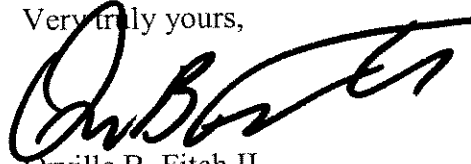
- i) Adoption dates:
 - 1. Chapter 142 (2001) was adopted June 29, 2001
- j) Effective dates:
 - 1. Chapter 142 (2001) effective August 28, 2001
- k) The changes have been enforced.
- l) The changes affect the entire State of New Hampshire.
- m) The purpose for this law is to provide a specific declaration of intent form for political organizations that intend to use petitions to gain access to the ballot. New Hampshire law allows a group that is not a recognized political party to gain a position on the ballot as a political organization and to name a slate of candidates, through a petition process.
- n) These changes do not negatively target any protected class under section 5 of the Voting Rights Act of 1965. 42 U.S.C. 1973(c). They

are expected to have neutral impact and do not meet the test of retrogression defined in *Reno v. Bossier Parish Sch. Bd*, 520 U.S. 471, 478 (1997). “(T)he ability of minority groups...to elect their choices to office” will not be diminished. *Beer v. U.S.*, 425 U.S. 130, 141 (1976).

- o) None known.
- p) RSA 655:17-c was never precleared. This submission seeks preclearance of Chapter 142 (2001).
- q) Not applicable as this is not a redistricting plan.
- r) Exhibit 655:17-c B is a copy of a Press Release of this submission, its availability, and inviting comment to federal Department of Justice.

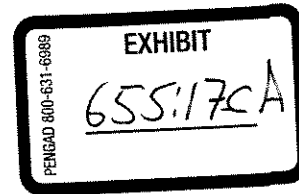
I expect the foregoing information is sufficient to enable the United States Attorney General to make the required determination pursuant to Section 5 of the Voting Rights Act. If further information is required or would be helpful, please contact me.

Very truly yours,



Orville B. Fitch II
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Civil Bureau
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CHAPTER 142

HB 677 - FINAL VERSION

25apr01...0418h

2001 SESSION

01-0254

03/01

HOUSE BILL **677**

AN ACT relative to certification and filing of nomination papers.

SPONSORS: Rep. Gilmore, Straf 11; Rep. Alger, Graf 9

COMMITTEE: Election Law

AMENDED ANALYSIS

This bill requires a political organization to file a declaration of intent to be nominated as political party. This bill permits the city clerk to perform the responsibilities of the supervisors of the checklist for certifying nomination papers. This bill also requires nomination papers to be signed by registered voters and makes certain changes to the procedure for filing nomination papers.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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01-0254

03/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT relative to certification and filing of nomination papers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

142:1 New Section; Declaration of Intent; Political Organization. Amend RSA 655 by inserting after section 17-b the following new section:

655:17-c Declaration of Intent; Political Organization. Declarations of intent for political organizations shall be in the following form and signed by the chairman of the political organization:

I, _____, chairman of the _____ organization hereby declare that

the _____ organization intends to file nomination papers by the deadline established under RSA 655:43, I. I further declare that the _____ organization intends to file the names of candidates for the following offices with the nomination papers.

142:2 Nomination by Nomination Papers; Certification; Delegation to Clerk. Amend RSA 655:41 to read as follows:

655:41 Certification.

I. Each nomination paper shall be submitted to the supervisors of the checklist of the town or ward in which the signer is domiciled or is registered, and a majority of the supervisors shall certify whether or not the signer is a [legal] **registered** voter in said town or ward. The supervisors of the checklist shall certify nomination papers under this section in a timely fashion, so that their certification shall be complete for each candidate, together with any objections to the nomination papers submitted, no later than 5:00 p.m. on the Wednesday 2 weeks before the primary. Each nomination paper shall be submitted to the supervisors of the checklist no later than 5:00 p.m. on the Wednesday 5 weeks before the primary.

II. The city clerk may perform the responsibilities of the supervisors of the checklist under this section.

142:3 Nomination Papers; Number. Amend RSA 655:42 to read as follows:

655:42 Number.

I. It shall require the names of 3,000 [legal] **registered** voters, 1,500 from each United States congressional district in the state, to nominate by nomination papers a candidate for president, vice-president, United States senator, or governor.

II. It shall require the names of 1,500 [legal] **registered** voters to nominate by nomination papers a candidate for United States representative; 750 to nominate a candidate for councilor or state senator; and 150 to nominate a candidate for state representative or county officer.

III. It shall require the names of [legal] **registered** voters equaling 3 percent of the total votes cast at the previous state general election to nominate by nomination papers a political party.

142:4 Nomination Papers; Filing Deadline. Amend RSA 655:43 to read as follows:

655:43 Filing Deadline.

I. Nomination papers shall be filed with the secretary of state no later than 5:00 p.m. on the Wednesday one week before the primary. **Nomination papers to be filed shall be grouped by municipality.** No nomination papers shall be accepted by the secretary of state unless the candidate shall have met the age and domicile qualifications for the office he **or she** seeks at the time of the general election and meets all the other qualifications at the time of filing; and if a candidate for the office of governor, executive councilor, state senator, or state representative, unless [he] **the candidate** shall file with the nomination papers an affidavit of qualifications as provided in RSA 655:28 and 655:29; and if a candidate for United States senator or United States representative, unless [he] **the candidate** shall meet the qualifications for office under RSA 655:3 and 655:4.

II. No candidate who intends to run for any state or federal office in the state general election by means of nomination papers shall have his **or her** name placed on the ballot unless [he] **the candidate** files a declaration of intent, as provided in RSA 655:17-a or 655:17-b, within the filing deadline required by RSA 655:14-a.

III. No political organization shall have the names of its candidates placed on the ballot unless the chairman of the organization files a declaration of intent, as provided in RSA 655:17-c, within the filing deadline for candidates established in RSA 655:14-a.

IV. No person who filed as a candidate in the state primary election shall be eligible to have his **or her** name placed on the ballot for the state general election by submitting nomination papers as provided in this subdivision.

142:5 Effective Date. This act shall take effect 60 days after its passage.

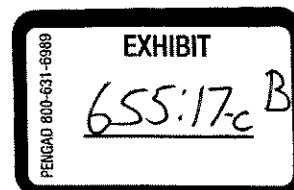
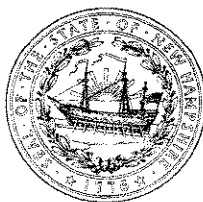
(Approved: June 29, 2001)

(Effective Date: August 28, 2001)

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News Release

RELEASED BY: Attorney General Kelly A. Ayotte

SUBJECT: Voting Rights Act – Submission of a request for preclearance of changes to New Hampshire Voting laws and procedures

DATE: June 10, 2005

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announces the submission of requests for preclearance of changes made to the election laws in New Hampshire to the Federal Department of Justice. Preclearance submissions will address changes made to New Hampshire's election laws since jurisdictions in the State became subject to preclearance.

Ten New Hampshire towns are subject to section 5 of the federal Voting Rights Act. Changes to New Hampshire election laws that affect any of these ten towns must be submitted for review by either the Federal Department of Justice or the Federal District Court for Washington D.C. The federal Department of Justice will review the changes to New Hampshire's election laws to ensure that the changes do not have the effect of denying or abridging the right to vote on account of race or color, or membership in a language minority group. Changes to New Hampshire redistricting statutes have been submitted to, and approved by, the U.S. Justice Department since the 1980 census. Federal regulations require that the public be notified that the State has filed a request for preclearance and that the submission be available for public inspection.

Copies of each submission by the Attorney General for the State of New Hampshire are available at the office of the Attorney General at 33 Capitol Street, Concord New Hampshire, 03301. Each document will also be made available at the Attorney General's Office web site at:

<http://www.doj.nh.gov/elections/>

Attorney General Ayotte and the federal Department of Justice invite persons interested in this submission to submit comments and information, in writing or by telephone, to the Voting Section of the Federal Department of Justice, Civil Rights Division, at the earliest possible date to ensure that they may be considered during the preclearance review time period. Telephone 1-800-253-3931 or (202) 307-2385 or write Chief, Voting Section, Civil Rights Division, Room 7354 – NWB, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC 20530. The envelope and first page should be marked "Comment under section 5." Additional information on the Voting Rights Act and the preclearance process can be obtained at the web site of the Federal Department of Justice at:

<http://www.usdoj.gov/crt/voting/index.htm>

The New Hampshire Attorney General's Office Voting section can be contacted at:

<http://www.doj.nh.gov/elections/>

New Hampshire Toll Free 1-866-8868-3703

or 1-866-VOTER03

electionlaw@doj.nh.gov